

REMARKS

The Office Action states that the Applicants' amendment necessitated the new grounds of rejection presented in the Office Action of February 26, 2002. It is submitted that the amendments introduced in the Applicants' response of October, 17 2001 were by way of clarification and no new limitations were introduced into the claim.

In particular, the feature of claim 1 of "receiving a transaction request associated with the transaction" corresponds to the feature of claim 14 where the transaction controller receives the transaction request. The feature of the association between the transaction request and the transaction was merely moved from a latter to an earlier position within the claim. Thus no new limitations were introduced into the claims by the amendment to claim 1. Claim 29 was amended in a similar fashion.

Likewise, claim 14 was also amended by way of clarification. The feature added to claim 14 of "the resource data being indicative of the capabilities of resources associated with the transactional processing system" may be found in claim 1.

In view of the above it is submitted that the final rejection of the application was not warranted. As the new ground of rejection was not necessitated by the Applicants' amendment of the claims (see MPEP 706.07(a)), the Applicants hereby request that the final rejection be withdrawn.

Claims 1 to 41 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent 6,058,267 (hereinafter referred to as Kanai) in view of U.S. Patent No. 5,991,843 (hereinafter referred to as Porterfield). This rejection is respectfully traversed and reconsideration of this application is earnestly requested.

Insofar as the rejection of claims 1, 14, 28 and 29 are concerned, the Final Office Action acknowledges that Kanai "fails to teach an inventive concept of receiving a transaction request associated with a transaction." However, the Final Office Action

argues that Porterfield teaches this feature and that the combination of Kanai and Porterfield is obvious to one skilled in the art.

To establish a **prima facie** case of **obviousness**, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In re Vaack, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Porterfield relates to concurrently processing transactions (see column 1, lines 14-15). The disclosure relates to computer architecture and, in particular to a "multiprocessor system architecture having first and second computer processors 52, 54 coupled to a processor bus 56" (see column 4, lines 26-29) to concurrently process transactions. The computer system and method of Porterfield "transmits first and second transaction requests from one computer processor across a computer bus to the bus agent" (see abstract). The transaction requests in Porterfield relate to a very specific application at an electronic component level, namely, processors such as central processing units or CPUs (see column 1, line 20).

The low-level component focus of Porterfield is clearly evident from the specification. "The computer system 50 includes a multiprocessor system architecture having first and second computer processors 52, 54 coupled to a processor bus 56. Coupled to the first computer processor 52 is an input device 58, such as a keyboard, mouse, or microphone, that inputs information to the first computer processor from a user. The computer system also includes a bus agent 60 coupled to the first and second computer processors 52, 54 via the processor bus 56. Coupled to the bus agent 60 is a

hard drive 62, a Peripheral Component Interconnect (PCI) bus 64, and a main memory 66. The PCI bus 64 is coupled via a video controller 68 to a video monitor 70 that outputs information to the user. An Industry Standard Architecture (ISA) bus 72 also is coupled to the PCI bus 64 via a PCI/ISA bridge 74. Coupled to the ISA bus 30 are a fax/modem 76 and a printer 78" (see column 4, lines 26 – 41). As the Porterfield invention deals with low-level system architecture, it is the "computer processor that issues a plurality of transaction requests" and "a plurality of computer devices responding to the requests from the computer processor" (see Claim 1 of Porterfield).

The teachings in Kanai do not relate to low-level hardware issues but to a high-level network or system. "As shown in FIG. 13, the system has a physical configuration in which the transaction source processors 102-1 to 102-n are coupled with the transaction routing unit 101 through a coupling path 114-1 such as an exchanger channel, or network, while the transaction processors 110-1 to 110-m are also coupled with the transaction routing unit 101 through another similar coupling path 114-2, and the transaction routing unit 101 is connected between the coupling paths 114-1 and 114-2. Here, the transaction source processors 102-1 to 102-n can be the terminal devices such as the automatic teller machines which generate the same kinds of transactions" (see column 16, lines 35 – 46) (Emphasis added).

Porterfield is focused on problems at a circuit level that is vastly *different* from a network level as in the case of the present invention. It will be appreciated that the combination of low-level CPU component technology taught in Porterfield with high-level network or systems technology taught in Kanai would not result in the present invention.

The Office Action nevertheless argues that it would have obvious to have combined the teachings of Kanai with Porterfield. Applicants respectfully disagree. A skilled artisan would most definitely *not* have thought to combine the method of Porterfield relating to concurrent transaction processing at a **hardware**

architecture/CPU level with the method of Kanai relating to transaction routing and data management at a system or network level. The Final Office Action further does not point to any prior art that contains a motivation or suggestion for making such a combination, which is a requirement for such a rejection. *See, e.g.*, MPEP 2143.01.

As conceded in the Final Office Action, Kanai fails to teach the feature of the invention relating to the receiving of a transaction request associated with the transaction. On the other hand, Porterfield with its request arrangement on a computer bus (see column 2, lines 59 – 64) offers a solution that is totally unrelated to transaction routing of the nature described in Kanai or the present application. The focus of Porterfield is dealing with data on a computer bus (see Claim 1 and the abstract) and preventing that “signals will overlap and become garbled” (see column 1, lines 24-27).

There is also no reasonable expectation that the combination would be successful, which is another requirement for the rejection. *See, e.g.*, MPEP 2143.03. As mentioned above, Kanai deals with transaction routing on a system level, while Porterfield deals with handling concurrent computer transaction processing at a computer bus level.

In view of the above, it is submitted that not only does the Final Office Action fail to point to any prior art that contains a motivation or suggestion for combining the teachings of Kanai and Porterfield, but even if the teachings were combined, there is no reasonable expectation that the combination would be successful. Accordingly, the Applicants contend that the rejection of the claims 1, 14, 28 and 29 under 35 U.S.C. 103 (a) has been addressed, and allowance of the claims is earnestly requested.


Claims 2 to 13 are dependent upon independent claim 1, claims 15 to 25 are dependent upon independent claim 14, and claims 30 to 41 are dependent upon independent claim 29. In accordance with at least the reasons set out above, independent claims 1, 14, 28 and 29 are allowable and, accordingly, the abovementioned claims that are dependent on these claims are also allowable.

From at least the foregoing reasons, it is respectfully submitted that claims 1 to 41 are not obvious in the light of Kanai and Porterfield and allowance of the claims is earnestly requested.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact André Marais at (408) 947-8200.

Respectfully submitted,
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